REMARKS

The examiner's action dated January 22, 2009, has been received and its contents carefully noted.

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SUMMARY OF SUBSTANCE OF INTERVIEW

During a personal interview held with the Examiner on April 22, 2009, applicant proposed to amend claim 1 to specify that the indicator chamber is external to the reaction chamber. The Examiner agreed that such amendment would overcome the cited prior art. The Examiner further agreed that such amendment would raise new issues, but that if such amendments are submitted an RCE, the next office action will not be made final.

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In view of the amendment now made to claim 1, and the agreement reached during the personal interview, it is understood that claim 1 is now in allowable condition.

Claim 1 now explicitly defines a device that includes a reaction chamber having an inlet opening, and an indicator chamber, with the reaction chamber being interposed between the inlet opening and the indicator chamber and the indicator chamber being external to the reaction chamber.

The device disclosed in the applied reference, Steinbrink, is composed of an indicator chamber that is a separate container housed within the reaction chamber.

The device according to the present invention allows a measured amount of fluid to be introduced into the reaction

chamber before it is brought into contact with an indicator or reactant housed in the indicator chamber.

In the device disclosed in the applied reference, the indicator chamber is broken open to allow the fluid therein to enter the reaction chamber itself before fluid is drawn into the reaction chamber. Therefore, the amount of fluid drawn into the reaction chamber cannot be measured before it interacts with the fluid that was originally contained in the indicator chamber.

Claim 24 has been amended only to place it in better form. However, the prior rejection of claim 24 is traversed because it is believed that this claim also defines a device that is not disclosed in the applied reference.

Specifically, claim 24 specifies that the at least one reaction chamber is interposed between the inlet opening and the at least one indicator chamber. Claim 24 further specifies that the purpose of this spatial relationship is to make it possible for test liquid to be drawn into the at least one reaction chamber prior to being brought into contact with the indicator or reactant (which is contained in the indicator chamber).

Since, in the device disclosed in the applied reference, the indicator chamber is located within the reaction chamber, there is simply no basis for the view that, in the reference device, the reaction chamber is interposed between the reaction chamber and the indicator chamber. Specifically, since the indicator chamber of the reference is within the reaction chamber, it is not possible to conclude that the reaction chamber is between the indicator chamber and the inlet opening.

Moreover, claim 24 defines, as a further component of the device, a covering film closing an element that delimits both at least one reaction chamber and at least one indicator chamber. In the devices disclosed in the Steinbrink patent, the portion identified by the numeral "21" is a zone that has been molded integrally with the reaction chamber. It cannot be considered to be a covering film, according to the usual and ordinary meaning of that term. Moreover, claim 24 specifies that the covering film closes the element, which element includes at least one indicator chamber. The zone 21 of Steinbrink clearly does not close indicator chamber 20.

Claim 24 additionally defines a peelable zone interposed between the at least one reaction chamber and the at least one indicator chamber. Clearly, in the device disclosed by Steinbrink, there is no structural component that can be considered to constitute a peelable zone between reaction chamber 14 and indicator chamber 20. There is nothing in the Steinbrink device that is peelable.

It is therefore submitted that the applied reference clearly does not disclose every limitation presented in claim 24 and, therefore, does not support a rejection of claim 24 under 35 U.S.C. 102.

For the sake of completeness, new claim 37 depends directly from claim 24 and presents the limitation that the at least one indicator chamber is external to the at least one reaction chamber. Therefore, at least claim 37 now clearly defines patentably over the applied reference.

In view of the foregoing, it is requested that the prior art rejections be reconsidered and withdrawn, that the

pending claims be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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